

ORDINANCE NO. 95-55

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 PALM BEACH COUNTY COMPREHENSIVE PLAN ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED, MODIFYING PAGE 114 OF THE FUTURE LAND USE ATLAS BY CHANGING A PARCEL OF LAND OF APPROXIMATELY 60 ACRES GENERALLY LOCATED 1350 FEET SOUTH OF GLADES ROAD AND 950 FEET WEST OF BOCA RIO ROAD, FROM LOW RESIDENTIAL 3 (LR-3) TO HIGH RESIDENTIAL 8 (HR 8); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES OF PALM BEACH COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on June 23, June 30, July 14 and July 28, 1995, to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 26 and August 15, 1995, to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163,

1 Part II, Florida Statutes; and

2 WHEREAS, Palm Beach County received on November 6, 1995, the
3 Department of Community Affairs "Objections, Recommendations, and
4 Comments Report," dated November 2, 1995, which was the
5 Department's written review of the proposed Comprehensive Plan
6 amendments; and

7 WHEREAS, on December 1, 1995, the Palm Beach County Local
8 Planning Agency held a public meeting to review the written
9 comments submitted by the Department of Community Affairs, the
10 Planning Division's response to the written comments, and to make
11 recommendations regarding adoption of the Comprehensive Plan
12 amendments; and

13 WHEREAS, on December 6, 1995, the Palm Beach County Board of
14 County Commissioners held a public hearing to review the written
15 comments submitted by the Department of Community Affairs and to
16 consider adoption of the amendments; and

17 WHEREAS, the Palm Beach County Board of County Commissioners
18 has determined that the amendments as modified satisfy the concerns
19 addressed in the Department of Community Affairs' "Objections,
20 Recommendations and Comments Report" and comply with all
21 requirements of the Local Government Comprehensive Planning and
22 Land Development Regulations Act.

23 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
24 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

25 Part I. Amendment to the Future Land Use Atlas of the Land
26 Use Element of the 1989 Comprehensive Plan

27 An Amendment to the Land Use Element's Future Land Use Atlas
28 is hereby adopted and is attached to this Ordinance in Exhibit 1.

29 A. Future Land Use Atlas page 114 is amended as follows:

30 Application No.: 95-114 RES 1

31 Amendment: From Low Residential 3 (LR-3) to
32 High Residential 8 (HR 8)

1 General Location: 1350 feet south of Glades Road and
2 950 feet west of Boca Rio Road

3 Size: 60 acres.

4 The two existing Cypress stands located on the subject property
5 shall be preserved in their entirety as conservation areas in a
6 manner acceptable to the Palm Beach County Department of
7 Environmental Resource Management.

8 Part II. Repeal of Laws in Conflict

9 All local laws and ordinances applying to the unincorporated
10 area of Palm Beach County in conflict with any provision of this
11 ordinance are hereby repealed to the extent of such conflict.

12 Part III. Severability

13 If any section, paragraph, sentence, clause, phrase, or word
14 of this Ordinance is for any reason held by the Court to be
15 unconstitutional, inoperative or void, such holding shall not
16 affect the remainder of this Ordinance.

17 Part IV. Inclusion in the Code of Laws and Ordinances

18 The provision of this Ordinance shall become and be made a
19 part of the code of laws and ordinances of Palm Beach County,
20 Florida. The Sections of the Ordinance may be renumbered or
21 relettered to accomplish such, and the word "ordinance" may be
22 changed to "section," "article," or any other appropriate word.

23 Part V. Effective Date

24 The effective date of this plan amendment shall be the date a
25 final order is issued by the Department of Community Affairs or
26 Administration Commission finding the amendment in compliance in
27 accordance with Section 163.3184, Florida Statutes, whichever
28 occurs earlier. No development orders, development permits, or
29 land uses dependent on this amendment may be issued or commence
30 before it has become effective. If a final order of noncompliance
31 is issued by the Administration Commission, this amendment may
32 nevertheless be made effective by adoption of a resolution
33 affirming its effective status, a copy of which resolutions shall
34 be sent to the Department of Community Affairs, Bureau of Local

1 Planning, 2740 Centerview Drive, Tallahassee, Florida 32399-2100.

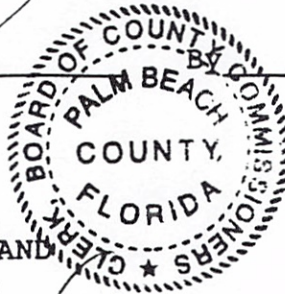
2 APPROVED AND ADOPTED by the Board of County Commissioners of
3 Palm Beach County, on the 6 day of December, 1995.

4 ATTEST:
5 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

6 By: Joan Hawley
7 Deputy Clerk

[Signature] Chair



8 APPROVED AS TO FORM AND
9 LEGAL SUFFICIENCY

10 [Signature]
11 COUNTY ATTORNEY

12 Filed with the Department of State on the 13th day
13 of December, 1995.

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EXHIBIT 1

Future Land Use Atlas page 114 is amended as follows:

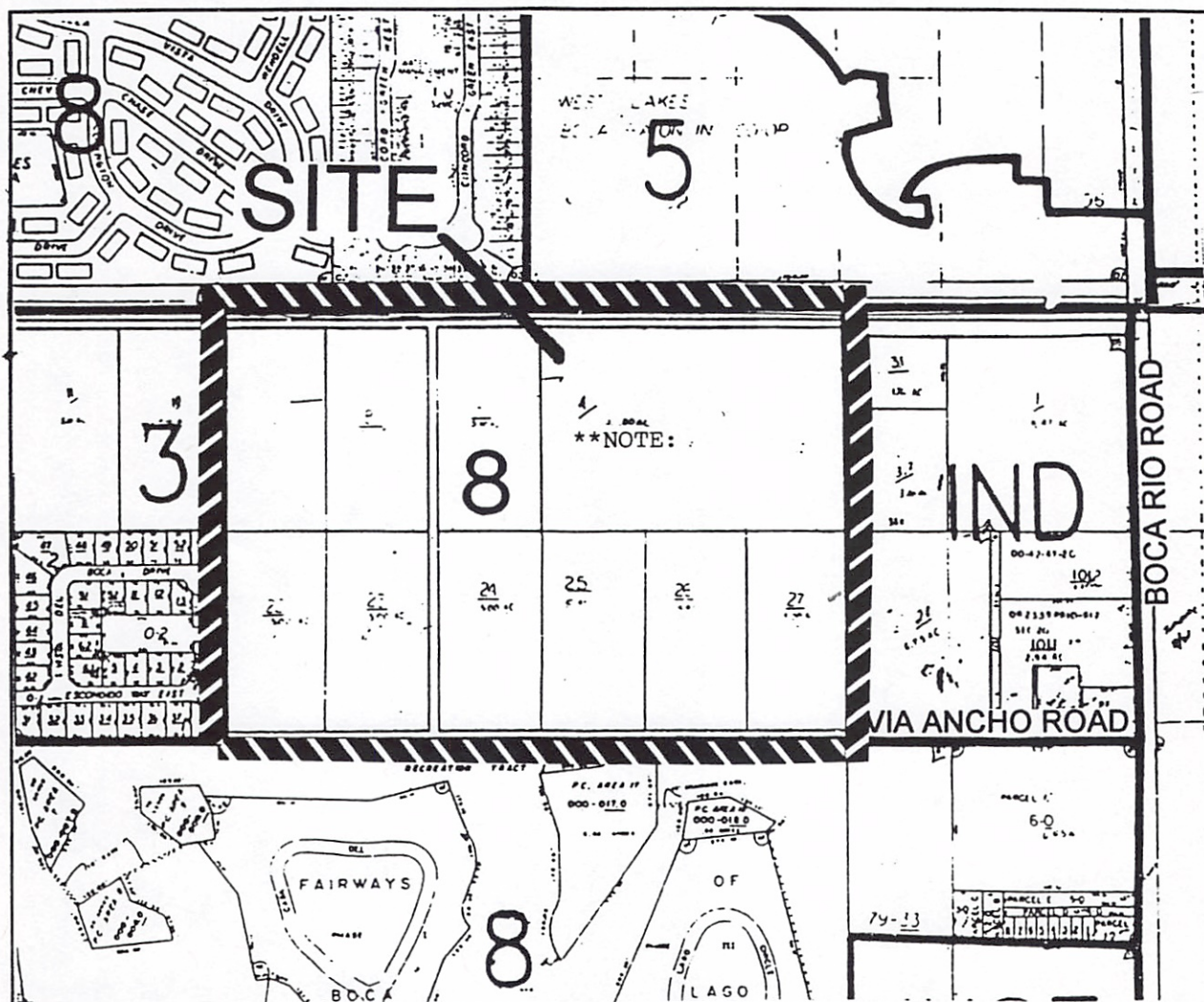
Application No.: 95-114 RES 1

Amendment: From Low Res. 3 (LR-3) to High Residential 8 (HR-8)

General Location: 1350 feet south of Glades Road and 950 feet west of Boca Rio Road

Size: 60 acres.

Legal Description: Tracts 4 to 9 and Tracts 22 to 27, Block 79, Palm Beach Farms Co., Plat No. 3, Plat Book 2, Pages 45 to 53 inclusive.



** The two existing Cypress stands located on the subject property shall be preserved in their entirety as conservation areas in a manner acceptable to the Palm Beach County Department of Environmental Resource Management.

STATE OF FLORIDA, COUNTY OF PALM BEACH
DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 12/16/95
DATED at West Palm Beach, FL on 12/19/95
DOROTHY H. WILKEN, Clerk
Dorothy H. Wilken D.C.